

VESTING TENTATIVE MAP

FILE NO.	T18-031
LOCATION OF PROPERTY	South side of Story Road, approximately 120 feet westerly of Beltrami Drive (14380 Story Road)
ZONING DISTRICT	R-1-8 Single-Family Residence
GENERAL PLAN	Residential Neighborhood
PURPOSE OF MAP	Tentative Map to subdivide one lot into four lots for residential uses on a 0.98-gross acre site
TITLE OF MAP	Tentative Parcel Map for 14380 Story Road
DRAWN BY	Advanced Development Jacob Saidian 2933 Benjamin Court San Jose, CA 95124
DATE OF MAP	August 15, 2020
ENVIRONMENTAL STATUS	Exempt pursuant to CEQA Guidelines Section 15315 for Minor Land Divisions
APPLICANT/ADDRESS	Jon Nelson 23585 Summit Road Los Gatos, CA 95033
OWNER/ADDRESS	Nick Pal 1680 Langport Drive Sunnyvale, CA 94087

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts and findings regarding the proposed project:

- 1. Site Description and Surrounding Uses.** The subject site is located on the south side of Story Road, approximately 120 feet westerly of Beltrami Drive, at 14380 Story Road. The site is a through-lot and is currently developed with a single-family residence with an access driveway off of Story Road. The site is surrounded by single-family residences on all sides. The adjacent lots are on rectangular plats, ranging from 0.13 to 0.18-gross acres in size with street frontages on Story Road and Arthur Avenue. The lots to the north of the site, across Story Road, are unincorporated and under the jurisdiction of the County of Santa Clara.
- 2. Project Description.** This is a Vesting Tentative Map to subdivide one lot into four lots for residential uses on a 0.98-gross (0.826 net) acre site. The project provides for dedication and improvement of public streets to the satisfaction of the Director of Public Works.

3. General Plan Conformance. This site has a designation of Residential Neighborhood on the Envision San José 2040 General Plan Land Use/Transportation Diagram. This designation allows for single-family residential uses for up to 8 DU/AC. The existing development within this designation will typically have a density of approximately 8 DU/AC, but in some cases this designation may be applied to areas already developed at slightly higher or slightly lower densities. New infill development should conform to the Envision General Plan design guidelines for Residential Neighborhoods and be limited to a density of 8 DU/AC or the prevailing neighborhood density, whichever is lower. The proposed subdivision conforms to the existing lotting pattern, density and lot sizes of the surrounding neighborhood. The proposed density at four dwelling units per acre matches the prevailing density at five to seven dwelling units per acre of the surrounding neighborhood.

In addition, the project is consistent with the following General Plan policy:

- a. Land Use Policy LU-11.6: For new infill development, match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. As an exception, for parcels already developed with more than one dwelling unit, new development may include up to the same number of dwelling units as the existing condition. The form of such new development should be compatible with and, to the degree feasible, consistent with the form of the surrounding neighborhood pattern.

Analysis: The project site is an infill site that is surrounded by other single-family residences with smaller lots, ranging from 0.13 acres to 0.18 acres in size. The subdivision of the subject 0.98-gross acre (42,688 square feet) lot would result in four lots that would range from 0.18 acres to 0.22 acres (see Figure 1) slightly larger lots but still similar and consistent with the adjacent development. The proposed density at 4DU/AC is consistent to the prevailing density ranging from 5 DU/AC to 7 DU/AC. The project is, therefore, consistent with the Land Use policy LU-11.6 of the Envision San José 2040 General Plan land use designation of Residential Neighborhood.

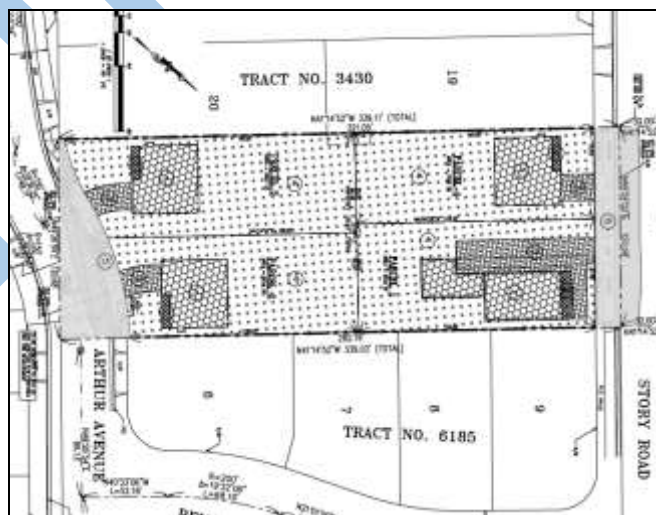


Figure 1: Neighborhood Pattern

4. Zoning Ordinance Compliance. The site is located in the R-1-8 Single-Family Residence Zoning District. The subject Tentative Map is consistent with the zoning district as it meets the minimum 5,445-square foot lot size requirement for each lot and would facilitate the future development of single-family residences that would have to conform to the Development Standards of the R-1-8 Single-Family Residence Zoning District, as stated below:

- a. **Setbacks and Height:** The minimum setback requirements for a single-family residence on interior lots are 20 feet from the front, five feet from the sides, and 20 feet from the rear property lines. The maximum allowable height is 35 feet.
- b. **The construction of a single-family residence on a vacant lot** would require a building permit for residences with floor area ratio (FAR) at or below 45%. A Single-Family House Permit is required for construction of residences with FAR above 45 percent. A building permit is also required for construction of accessory dwelling units (ADUs).
- c. **Lot Subdivision:** Title 19 Subdivision Ordinance Section 19.36.170 states that each lot shall contain a minimum area of not less than six thousand square feet each with an average lot width of not less than fifty-five feet. The proposed project will result in four rectangular lots with a minimum area of 6,000 square feet and a minimum street frontage of 55 feet, therefore, the proposed project is consistent with Title 19 of the Subdivision Ordinance Section 19.36.170 (see Table 1).

	Lot Size Square feet	Lot size Acres	Street Frontage (feet)
Parcel 1	9,449 square feet	0.21	65.68 feet (Story Road)
Parcel 2	8,634 square feet	0.19	65.57 feet (Arthur Avenue)
Parcel 3	9,947 square feet	0.22	61.89 feet (Arthur Avenue)
Parcel 4	7,956 square feet	0.18	55 feet (Story Road)
Total Net Area	35,986 square feet	0.826 acres	

Table 1: Lot Subdivision

5. Subdivision Map Act Findings. In accordance with Section 66474 of the Government Code of the State of California, the Director of Planning of the City of San José, in consideration of the proposed subdivision shown on the Vesting Tentative Map with the imposed conditions, shall deny approval of a Vesting Tentative Map, if it makes any of the following findings:

- a. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.

- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Analysis: Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings to deny the subject subdivision. The subdivision of lots is consistent with the General Plan goals, policies and land use designation. The subject site is physically suitable to accommodate four single-family residential lots. The subdivision of the lots would facilitate the development pattern at a density supported by the General Plan. Furthermore, the project site does not contain any historic resources or sensitive habitats or wildlife. The existing home will remain on one lot and will not be demolished. The proposed subdivision will not conflict with any public easements, as the project is providing all necessary public easements, and there is no public access through the site with this proposed subdivision.

- 6. Subdivision Ordinance Findings.** In accordance with San Jose Municipal Code (SJMC) Section 19.12.130, the Director may approve the Tentative Map if the Director cannot make any of the findings for denial in Government Code section 66474 and the Director has reviewed and considered the information relating to compliance of the project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the Director may approve the project if the Director does not make any of the findings for denial in San Jose Municipal Code Section 19.12.220.

Section 19.12.130 incorporates the findings for denial in Section 66474 of the Government Code specified in Findings Section 1 herein.

Analysis: Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings to deny the one to four lot subdivision as it will not cause any adverse effects to the public health or the environment.

- 7. Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
- a. Under the provisions of Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. Class 15 consists of the division of property in urbanized areas zoned for residential use into four or fewer parcels when the subdivision is in conformance with the General Plan and zoning, no variances,

or exceptions are required, all services and access to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Analysis: The subject 0.98-gross acre site is proposed to be subdivided into four residential lots, is within an urbanized area, has all the required services, no variances are required and was not involved in a division of a larger parcel within the previous two years. The four-lot subdivision is in conformance with the R-1-8 Single-Family Residence Zoning District and Envision San José 2040 General Plan designation of Residential Neighborhood and does not have a slope greater than 20 percent. The existing home will not be demolished. The proposed subdivision was reviewed by the Department of Public Works, a Final Public Works Memo was issued on 8/20/20 and the project will not have any unacceptable negative effect on adjacent property or properties.

In accordance with the findings set forth above, a Vesting Tentative Map for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Tentative Map except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Conformance to Plans.** Development of the site shall conform to the approved Tentative Map No. T18-031 plans entitled "Tentative Parcel Map for 14380 Story Road (APN 647-07-074), San Jose, CA 95127" dated stamp received August 15, 2020, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.
3. **Affordable Housing Financing Plans.** The San José City Council ("City") approved the Envision San José General Plan 2040 ("General Plan") in 2011. The General Plan provides the framework for development located in San José.

The City is in the process of developing financing plans to help fund affordable housing and related amenities and services. The financing plans may include the creation of a (i) Community Facilities District(s); (ii) Enhanced Infrastructure Financing District(s); (iii) Property Based Improvement District(s); (iv) Mitigation Impact Fee program(s); (v) Commercial linkage fee program(s); and/or (vi) other financing mechanisms or combination thereof. For example, the City Council has directed City staff to complete studies and make

recommendations related to commercial impact fees to help fund affordable housing. These efforts are on-going and there will continue to be other similar efforts to study various funding mechanisms for affordable housing.

By accepting this Permit including the conditions of approval set forth in this Permit, permittee acknowledges it has read and understands all of the above. Permittee further agrees that prior to the issuance of any building permit, the project shall be subject to, fully participate in, and pay any and all charges, fees, assessments, or taxes included in any City Council approved financing plans related to affordable housing, as may be amended, which may include one or more of the financing mechanisms identified above.

4. **Expiration of Map.** This Vesting Tentative Map shall automatically expire 30 months from and after the date of issuance hereof by the Director of Planning of the City of San Jose. The date of issuance is the date this Tentative Maps is approved by the Director of Planning.
5. **Compliance with Subdivision Ordinance.** The final map shall comply with all of the requirements for final maps in Chapter 19.16 of the San José Municipal Code and shall show and contain all of the data required by San José Municipal Code Section 19.16.110.
6. **Improvements.** Pursuant to the Subdivision Agreement (hereinafter referred to as "Agreement"), the Subdivider shall, before approval and recording of the Final Map, improve or agree to improve all land within the subdivision and all land outside, but appurtenant to, the Subdivision shown on the Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.
7. **Improvement Contract.** In the event the Subdivider has not completed the improvements required for his proposed subdivision at the time the final map is presented for approval, subdivider shall enter into an improvement contract pursuant to Agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code, and provide the bonds and insurance mentioned therein.
8. **Public Use Easements.** Subdivider shall dedicate on the final map for public use easements for public utilities, streets, pedestrian ways, sanitary sewers, drainage, flood control channels, water systems and slope easements in and upon all areas within the subdivision shown on the Tentative Map for the subdivision to be devoted to such purposes.
9. **Distribution Facilities.** Subdivider shall, at no cost to the City, cause all new or replacement electricity distribution facilities (up to 40KV), telephone, community cable, and other distribution facilities located on the subject property to be placed underground.
10. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José – Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Control Board for the San Francisco Bay Region. Substantive

conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

11. **Conformance with Local Law.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
12. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.
 - a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
 - b. **Transportation:**
 - i. In alignment with Senate Bill 743 (SB743), the City's Transportation Impact Policy - Council Policy 5-3 has been replaced with a new Transportation Analysis Policy - Council Policy 5-1. Council Policy 5-1 establishes Vehicle Miles Traveled (VMT) as the transportation metric for evaluating CEQA transportation impacts. <http://www.sanjoseca.gov/index.aspx?NID=3162>.
 - ii. In conformance with the newly adopted Council Policy 5-1, this project meets the requirement for the small project exemption for CEQA transportation analysis. Furthermore, no additional transportation analysis is required.
 - c. **Grading/Geology:**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10-year storm event.
 - iii. A Geologic Hazard Clearance is required prior to environmental clearance or zoning approval.

- iv. A geologic report addressing the potential hazards of fault rupture, slope instability, and erosion must be submitted to and accepted by the City Engineering Geologist prior to environmental clearance or zoning approval.
- d. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures and source controls to minimize stormwater pollutant discharges.
 - i. A design of the pervious pavement by a Licensed Geotechnical Engineer shall be submitted prior to the issuance of a Public Works Clearance.
- e. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- f. **Flood: Zone X:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for Zone X.
- g. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- h. **Parks:** This residential project is subject to the payment of park fees in-lieu of land dedication under either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the formula contained within in the Subject Chapter and the Associated Fees and Credit Resolutions.
- i. **Undergrounding:** The In-Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Story Road prior to issuance of a Public Works Clearance. 100 percent of the base fee in place at the time of payment will be due. Currently, the 2020 base fee is \$515 per linear foot of frontage and is subject to change every January 31st based on the Engineering News Record's City Average Cost Index for the previous year. The project will be required to pay the current rate in effect at the time the Public Works Clearance is issued.
- j. **Street Improvements:**
 - i. Construct curb, gutter, sidewalk, and pavement along Story Road and Arthur Avenue project frontages.
 - ii. Provide 12' wide sidewalk with park strip along Story Road and 9' wide sidewalk with park strip along Arthur Avenue. Dedication will be required.
 - iii. Provide 16' wide City Standard driveways along project frontage.
 - iv. Reconstruct half street along Story Road and Arthur Avenue project frontages may be required.

- v. Relocate or underground existing utility pole along Story Road project frontage.
 - vi. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - k. **Street Trees:** The location of street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in park strip. If street tree locations conflict with existing utilities, developer shall be solely responsible for relocating or adjusting utilities as necessary to resolve conflict. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
 - l. **Sanitary:** Submit a conceptive sanitary sewer plan with pipe slopes, surface elevations, and invert elevations.
 - m. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
13. **Parcel Map.** No Tract/Parcel Map shall be approved unless and until the appeal period for the development permit, City File No. T18-031, has expired and all appeals have been exhausted.
14. **Revocation.** This Vesting Tentative Map is subject to revocation for violation of any of its provisions or conditions.

APPROVED and issued this on the **23rd day of September, 2020.**

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Deputy